

Paul M. Blanch
Energy Consultant

25 February 2016

Mr. Hubert Bell
Inspector General
United States Nuclear Regulatory Commission
Washington, DC 20001-0001

Subject: Allegation of Wrongdoing by the NRC Staff

Hubert.bell@nrc.gov

Dear Mr. Bell:

This letter documents my formal allegation that the NRC staff is not fulfilling its regulatory responsibilities consistent with the NRC mission of “Protecting the People and the Environment” in its regulation of the Indian Point Nuclear Power Plant.

Throughout the past several years the NRC has attempted to obscure the existence of the existing natural gas lines located in close proximity to the Indian Point Nuclear Power Plant and mislead federal and local agencies and the public regarding the potential danger of Spectra Energy’s proposed 42-inch natural gas line. During its review of this matter, the NRC has continually violated its own policies and procedures by failing to comply with Management Directives (MD) 8.5 and 8.11 and by ignoring the requirements of 10 CFR 50.5, 10 CFR 50.9, 10 CFR 50.72 and 10 CFR 100.11/21.

Although not complete, the following information is provided in support of this assertion:

Specific Allegations of NRC Wrongdoing

- The NRC violated its procedures in its handling of my October 15, 2010 and October 2014, 10 CFR 2.206 petitions and my June 2015

allegations with respect to safety concerns with natural gas lines at Indian Point.

- The NRC violated its procedures and regulations in multiple ways when analyzing, approving, submitting and overseeing Spectra Energy's Algonquin Incremental Market (AIM) project and existing gas pipeline at Indian Point.
- The NRC staff is aware of docketed false statements made by Entergy to the NRC with respect to this issue, violating NRC directives, did not refer the matter of false statements by a licensee to the NRC's Office of Investigations.
- The NRC knowingly misled FERC and the public, thereby putting at risk 20 million people in the vicinity of Indian Point, by claiming to FERC that there was no additional risk associated with the proposed new 42-inch gas pipeline. The analysis relied upon by the NRC staff was not conducted in accordance with established industry standards.
- In June 2015, the NRC verbally rejected, without adequate review, my allegation that the Indian Point plants were operating in an unanalyzed condition by claiming these issues have been addressed. This is a false statement by the NRC Staff. The staff rewrote my allegation to fit its desired conclusion thereby circumventing the material facts and evidence I had presented.
- The NRC provided its final approval to FERC and stated that the inspectors "performed an independent analysis" and "the NRC staff concluded that safety-related SSCs inside the SOCA would not be exposed to conditions exceeding the threshold for damage." No persons on the inspection team had any experience with gas line dynamics or piping and instrument diagrams of the proposed gas line. The NRC's "expert" was not part of the inspection team.

In response to my concerns to the NRC about Indian Point, on February 10, 2016, I received the following advice from NRC Region 1



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD., SUITE 100
KING OF PRUSSIA, PA 19406-2713

February 10, 2016

Mr. Paul Blanch
pdblanch@comcast.net

RI-2015-A-0074

SUBJECT: Concern You Raised to the NRC Regarding Indian Point

Dear Mr. Blanch:

I'm writing in response to your letter to Ms. Nicole Warnek, dated January 11, 2015, in which you expressed disagreement with NRC's letter dated December 14, 2015. That letter had addressed and responded to a concern you raised to the NRC regarding the Indian Point gas pipeline. NRC management and staff reviewed your January 11, 2015, letter, and Enclosure 1 provides NRC's response.

The NRC plans no further action on this matter. However, if you believe there was NRC employee misconduct involved in the handling of this allegation, you may contact the NRC Office of the Inspector General (OIG) by calling 1-800-233-3497 or submitting a complaint online at <http://www.nrc.gov/insp-gen/complaint.html>.

Sincerely,

A handwritten signature in black ink, appearing to read "Brice Bickett". The signature is stylized with overlapping loops and a long horizontal stroke at the bottom.

Brice Bickett
Allegation and Enforcement Team Lead

During discussions with Ms. Rossana Raspa and Ms. Terri Spicher of your office, they suggested I write you; outline my concerns of alleged NRC wrongdoing, and request a formal NRC Office of Investigation (OIG) investigation.

After receiving the same guidance from Mr. Bickett and from your staff, I am formally writing to you and requesting that your office initiate an immediate investigation into my allegations regarding the adequacy of the

NRC staff's regulation of Indian Point and its handling of incidents of possible licensee wrongdoing.

Requested Investigation:

The following areas, among others, related to the NRC's regulation of and its handling of allegations and petitions questioning the safety of the natural gas lines proposed and buried gas lines in the near proximity of Indian Point Nuclear Power Plant warrant an immediate investigation by your Office of the Inspector General (OIG):

1. Did the NRC follow its guidance of MD 8.11 for 10 CFR 2.206 petitions when rejected my petition for consideration with 46 documented open and unresolved issues?
2. My October 2014 10 CFR 2.206 petition alleged deliberate misconduct and inaccurate information provided by Entergy to the NRC. Were these allegations and other instances of alleged false statements by Entergy referred to and investigated by the Office of Investigations as required by MD 8.11?
3. Why did, and still does NRC fail to consider the possible flammable content of the million gallon fuel oil tanks?
4. Was my allegation of June 2015 properly handled consistent with past NRC practices and MD 8.5?
5. Has the buried section of the existing gas lines been analyzed for possible impact on the control room, switchgear room and other vital structures?
6. Have the dynamics of the new pipeline been properly analyzed considering the thermodynamics of the gas system, leak detection, compressor dynamics, historic events and piping system interconnections?
7. Was an accepted industry methodology employed for a risk assessment as provided in 29 CFR Appendix C to § 1910.119 – “Compliance Guidelines and Recommendations for Process Safety Management” or similar methodology?

8. Why does the NRC consider the new pipeline to be a design basis event (DBE) whereas it does not consider the existing pipeline to be a DBE?

In furtherance of my request for an investigation by the OIG, I desire to meet with a member(s) of your staff to provide additional evidence and documentation in support of my contentions of inadequate NRC regulation at Indian Point and improper handling of instances of licensee wrongdoing.

These issues need a timely resolution as the new AIM pipeline is presently under construction with proposed operation this year exposing the general public to additional unanalyzed risks.

Sincerely,



Paul M. Blanch
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West Hartford, CT 06117
860-236-0326

cc: Governor Cuomo
Senator Schumer
Senator Gillibrand
Senator Markey
Congresswoman Lowey
Congressman Engel
Assemblywoman Galef
Assemblyman Buchwald
Supervisor Linda Puglisi Town of Cortlandt
Ms. Rossana Raspa OIG
Ms. Terri Spicher OIG
Paul Gallay Riverkeeper